

INTERNATIONAL TELECOMMUNICATION UNION

PLENARY MEETING

Document XXXX-E
30 July 2015
Original: English

Member States of the Inter-American Telecommunication Commission (CITEL)

PROPOSALS FOR THE WORK OF THE CONFERENCE

Agenda item 7(J)

7(J) Issue J – Removal of the link between the date of receipt of the notification information and the date of bringing into use in RR No. **11.44B**

Background Information: In RR No. **11.44B**, WRC-12 defined a ninety-day bringing into use (BIU) period for a frequency assignment to a space station in the geostationary-satellite orbit (GSO), and introduced a requirement to inform the Bureau of the completion of that period within 30 days of the end of the period. However, WRC-12 failed to address the manner in which administrations would inform the Bureau of the completion of the BIU period, and what effect failure to inform the Bureau of the bringing into use within 30 days after completion of the BIU period would have on the subject assignments.

Following the entry into force of RR No. **11.44B**, the Bureau indicated in Circular Letter CR/343¹ that in order to comply with the provisions of RR No. **11.44B** regarding the confirmation of BIU, the date of commencement of the 90-day period cannot be earlier than 120 days before the date of receipt of notification under RR No. 11.15, § 5.1.3 of RR Appendix 30, § 5.1.7 of RR Appendix 30A and § 8.1 of RR Appendix 30B. This implies that the only way to inform the Bureau of completion of a BIU period is through submission of notification information that thereby creates a link between the timing of the BIU period and notification. There is general agreement among administrations that WRC-12 did not explicitly decide to introduce such a link, nor did WRC-12 intend to call into question in any way assignments for which the notification information was not provided within 30 days after completion of the BIU period.

The requirement to inform the Bureau of the completion of the 90 day period within 30 days from its end was initially considered in the context of a 90-day period for the BIU extending beyond the end of the period allowed for bringing into use a frequency assignment. This requirement was later extended to all BIU instances in order to improve transparency of the process without a full assessment of the implication of the wording used.

Following comments submitted by administrations in response to Circular Letter CR/343, the Bureau developed a draft Rule of Procedure to address, among other things, the case of notification information for a frequency assignment submitted more than 120 days after the date of bringing into use of this frequency assignment. Two possible approaches were suggested in the draft rules (see CCRR/52 of 8 August 2014):

- 1) An adjustment to the notified date of bringing into use so that the date of bringing into use recorded in the MIFR will be 120 days prior to the date of notification with the addition of a note specifying the actual date of bringing into use (date originally contained in the notification information as submitted by the administration).
- 2) The notified date of bringing into use can be more than 120 days before the date of receipt of the notification information if the confirmation that a space station in the geostationary-satellite orbit with the capability of transmitting or receiving the notified assignments has been deployed and maintained at the notified orbital position for a continuous period of more than ninety days up to the date of receipt of notification is provided to the Bureau together with the notice.

To address this matter, this proposal relies on the second approach above, and introduces the possibility that administrations can inform the Bureau of completion of the BIU period via correspondence prior to submission of the formal notification information. Under this proposal, provided that such correspondence containing the BIU information is sent to the Bureau in

¹ In this Circular Letter dated 31 January 2013 (see § 2.3.5 in Document [CR/343](#)), the Bureau gives for the first time an indication that notification information for a frequency assignment received more than 120 days after the date of bringing into use of this assignment would not be in compliance with RR No. **11.44B**.

conformity with No. **11.44B** prior to formal notification, the subsequent notification information for a frequency assignment to a space station in the geostationary-satellite orbit received with a date of bringing into use more than 120 days prior to the date of receipt of this notice shall also be considered brought into use as long as the notifying administration confirms, with the submission of the notification information, the prior informed BIU date and that a space station in the geostationary-satellite orbit has been deployed and maintained at the notified orbital position for a continuous period from the date of BIU indicated in the notice to the date of receipt of this notice. To promote transparency in the Bureau's receipt of such letters (along with the Bureau's current practice of immediately posting notification information containing BIU information), this proposal adds to No. **11.44B** an obligation for the Bureau to make all such BIU information available as soon as possible. Finally, this proposal adds a new footnote to No. **11.44B** that make clear that failure to inform the Bureau of a bringing into use does not require suppression of a timely notification filing; it results instead in a date of bringing into use 120 days prior to the submission of the notification information.

In any other cases, RR No. **11.44B** continues to apply as is.

Proposals:

ARTICLE 11

Notification and recording of frequency assignments^{1, 2, 3, 4, 5, 6, 7, 7bis} (WRC-12)

Section II – Examination of notices and recording of frequency assignments in the Master Register

MOD USA/7J/1

11.44B A frequency assignment to a space station in the geostationary-satellite orbit shall be considered as having been brought into use when a space station in the geostationary-satellite orbit with the capability of transmitting or receiving that frequency assignment has been deployed and maintained at the notified orbital position for a continuous period of ninety days. The notifying administration shall so inform the Bureau within thirty days from the end of the ninety-day period by correspondence or submission of notification information^{21bis, 22bis}. On receipt of the information sent under this provision, the Bureau shall make available that information as soon as possible, and shall also publish it in the BR IFIC. (WRC-~~12~~15)

Reasons: Introduces the clarification that notifying administrations can inform the Bureau of bringing into use of frequency assignments via correspondence prior to submission of formal notification information and introduces a new provision to address when an assignment is brought into use more than 120 days prior to the date that notification information was received by the Bureau. For transparency, the Bureau is directed to make all information on BIU provided under this regulation available as soon as possible, and to publish the same in the BR IFIC.

ADD USA/7J/2

21bis **11.44B.1** A frequency assignment to a space station in the geostationary-satellite orbit with a notified date of bringing into use more than 120 days prior to the date of receipt of the notification information shall be considered as having been brought into use if the notifying administration: i) has previously informed the BR, through an appropriate means of communication, of the bringing into use in accordance with **11.44B**, ii) specifies a date of bringing into use in its notification information that is the same as that of the previous correspondence and iii) confirms, when submitting the notification information for this assignment, that a space station in the geostationary-satellite orbit with the capability of transmitting or receiving that frequency assignment has been deployed and maintained for a continuous period of time from the notified date of bringing into use until the date of receipt of the notification information for this frequency assignment. In such cases, and under the condition that the notification information and bringing into use information for the subject assignment is otherwise in accordance with these Regulations, the Bureau shall use the specified date as the notified date of bringing into use.

Reasons: Adds a footnote removing the linkage between informing the Bureau of bringing into use of frequency assignments and submission of formal notification information for those assignments when an assignment is brought into use more than 120 days prior to the date that notification information was submitted to the Bureau.

ADD USA/7J/3

22bis **11.44B.2** If the administration does not so inform the Bureau within thirty days of the end of the ninety-day period, and notification containing confirmation of the bringing into use is otherwise appropriately submitted under these Regulations, the notified date of bringing into use shall be a date no more than 120 days prior to the date on which the confirmation was received by the Bureau.

Reasons: Adds a footnote providing clarification that failure to inform of BIU within 120 days does not require suppression of the assignment in cases where later information/notification would still be timely.